

**PRICE CITY PLANNING AND ZONING MEETING
MINUTES OF DECEMBER 12, 2011**

PRESENT: Commissioners:
Larry Bruno, Chairperson
Frankie Sacco
Erroll Holt
Alfred Richens
Wayne Clausing
Judy Beacco
Rick Davis
Grady McEvoy, Alternate

Nick Tatton, Community Director
Laurie Tryon, City Recorder

EXCUSED:

OTHERS PRESENT: Kirt Rasmussen, Ros Bouwhuis, Ryan Pollick, Dennis Hymas, Ted Huss, Kyle England and Kendra Seeley

1. MINUTES-November 21, 2011
MOTION. Commissioner Holt to approve the minutes of November 21, 2011. Motion seconded by Commissioner Sacco and carried.

2. NATURAL GAS WELL DRILLING AND PUMP SITING-Consideration and possible approval of a Conditional Use Permit to drill and locate a natural gas well at approximately 275 North 1900 East within the combined C-1 and M-1 zoning district.
An amended site plan was turned in to the Commissioners to accompany the application for a Conditional Use Permit (CUP) submitted by Anadarko Petroleum Corporation a subsidiary of Kerr-McGee Oil & Gas Onshore LP, to locate a natural gas pump within the Airport Road Industrial Park subdivision. Nick Tatton provided the following information to the Commission: “The area is zoned both Manufacturing 1 (M-1) and Commercial 1 (C-1). There are two (2) separate considerations for the Planning Commission to review within this application: (1) the temporary use associated with the development of the site and the actual drilling; and, (2) the permanent land use associated with the actual well jack. The temporary use may be permitted based on Section 11.3.9.12.5, water and well drilling, within the Price City Land Use Management and Development Code (Code) and the long term permanent land use is indicated in Section 11.3.9.13.3, crude petroleum and natural gas, of the Code. The temporary period needed for the drilling use needs to be identified and established by date. It is anticipated that the temporary drilling period will be six (6) weeks. It is advisable to provide an eight (8) week period for the drilling to accommodate unforeseen circumstances. General evaluation criteria for both land uses are located in Section 11.1.1 and 11.1.5 of the Code and the specific land use criteria/checklist is listed in Section 11.1.m of the Code.”

Ted Huss from Anadarko presented the request and stated that the company just wanted to make sure they understood all of the potential conditions Price City is considering before the next meeting. He stated that the Surface Use Agreement is coming together with the property owner but it is not yet finalized. Mr. Huss stated that he had a few questions regarding the stipulations in the potential Conditional Use Permit. He stated that one of the questions was the road access to the north of the well site and whether or not the company can still access the road to get to their other wells to the north. Chairman Bruno stated that they do have access to all of their well sites and that the condition was set to not use the subdivision roads (800 N.) to access their wells but only Airport Road and 1900 E. with industrial vehicles.

Chairman Bruno stated that they were not subject to the same requirements as a subdivision because it is a well site. Nick Tatton stated that if the company sends him an email with all of their concerns, he will

address the project as such and not as a residential subdivision. Mr. Huss stated that the well site will have its own power primary metered that cannot be tapped into by anyone else and its own water lines. He stated they are working closely with the property land owner for a landscaping plan but they are running into problems with watering new trees and landscape. Chairman Bruno stated that Price City has not mandated on site landscaping for the project and that the offsite landscaping plan is acceptable. Mr. Huss stated that the landowner has separate landscaping requirements.

Nick Tatton stated that he would change item M to say “via 800 north” in regards to road access. Mr. Huss stated that the company plans to widen the east side of 1900 E. to the north end of the subdivision beginning at airport road to the subdivision boundary.

Mr. Huss asked if the company could use the utility right-of-way to run their pipelines on the north and south sides of the road. He stated that the east side of the road turns immediately before the residential boundary to the north and then parallel to the northern boundary which all stays inside the industrial park area. Nick Tatton stated that as long as the underground utilities don't interfere with existing utility plans the location should be acceptable. He recommended that Mr. Huss call the City Engineer regarding the utility layout. Nick Tatton stated that after the road is dedicated to the City and upon improvement become a City maintained road.

Kirt Rasmussen stated that they had questions on item J which states, “Completion of a development agreement, if required, and submission of the required financial surety, if required, with the Price City Public Works Department finding that properly agreed to and guaranteed public infrastructure development is in the long-term financial interest of the community and is required by Price City”.

Chairman Bruno stated that the bond may or may not be necessary and Nick Tatton will determine that before the next meeting. Mr. Rasmussen asked about item K regarding a building permit. Nick Tatton stated that a building permit for the structure and utility connection would be necessary and required for this project. Mr. Huss asked whether item Q would pertain to this project or if it only was a requirement of a new subdivision project. He stated that the well pad would be built and has a storm water plan according to state and federal regulations. Mr. Tatton stated that the wording can be changed to meet the state and federal regulations and to fit City standards. Mr. Huss asked how the 1997 minimum standards applied to this project as they want to make sure they are in compliance with every aspect of the City standards and codes. Nick Tatton told them to make sure they have all of their concerns in writing to him by email as soon as possible so that he can have everything answered and in writing.

The following is the list of conditions for the project provided to the Commission and Anadarko for reference:

- a. Acknowledge that the drilling activity is anticipated to be completed within approximately 6 to 8 weeks of commencement of drilling and that all disturbances on adjoining lots or undeveloped dedicated public streets must be immediately remediated upon completion of drilling activity at the site finding that remediation of drilling activity on adjoining lots and public streets protects the long term interest of the community and the integrity of the business park subdivision;
- b. Completion of the project in compliance with the final site plan and procurement of all necessary or required easements for pipeline placement north of subdivision finding that development in compliance with approved site plans and easements protects the property rights and interests of adjoining property owners and is in compliance with the Code;
- c. Treatment of the 100 year flood plain along Cardinal Wash as prescribed in the prepared environmental comments provided by the applicant to Price City and coordination of any additional or unanticipated storm water and 100 year flood plan impacts with the Price City Engineer finding that proper treatment of flood plains protect infrastructure, downstream property owners and is required by the Code;
- d. Obtain and comply with written permission directives via a property owner agreement from the property owner of record, Mr. Jim Boud, indicating conditions of use at the property finding that property owner permission for land uses on their property is a basic tenant of land use permitting within Price City and is consistent with the Code;

- e. Install the minimum 5% landscaping as required by the Code finding that landscaping requirements improve overall community property values and is required of all land uses and developments;
 - i. Landscaping does not need to be ‘green’ vegetation and may be completed within the general area of the development. Landscaping to be installed at the entrance to the business park subdivision at the Airport Road intersection consistent with the landscaping concept plan submitted by the applicant.
- f. Install fencing around the pump jack in such a manner that the perimeter of the pump jack wherein the project is located is fenced with a six foot (6’) non-site obscuring fence with secured gate, or as otherwise agreed to with the property owner and confirmed as acceptable by the Price City Planning Commission, finding that fencing the perimeter of the site situates the property for development post drill and well project and protects the site from encroachment by vandals, children, etc. and possible impacts on the public safety network in the community;
- g. Installation of all site work at lot #25 and area development matters, such as the widening of 1900 East to the as built condition, installation of the grade for 275 North Street, in compliance with the established Airport Road Industrial Park subdivision development plan, including road placement, utility connections, storm water management, etc. finding that compliance with existing approved plans for development mitigate potential negative impacts on adjoining property owners and is consistent with the Price City General Plan;
- h. Completion of an environmental review as required in Chapter 3 of the Code indicating any mitigation plans for any identified environmental conditions requiring mitigation finding that protection of the physical environment is a primary concern for Price City and is consistent with the Price City General Plan;
- i. Signage to be installed on the fence at the site indicating what the project is, who the owner is and emergency contact information, upon review and approval of the sign plan by the Price City Planning Department finding that properly signed land uses mitigate community misunderstandings and promote improved commercial and industrial activity;
- j. Completion of a development agreement, if required, and submission of the required financial surety, if required, with the Price City Public Works Department finding that properly agreed to and guaranteed public infrastructure development is in the long-term financial interest of the community and is required by Price City;
- k. Completion and installation of all site structures, footers, foundations, utility connections, etc. after procurement of a valid Price City Building Permit only and inspection of all site structures, footers, foundations, utility connections, etc. by the Price City Building Inspector finding that properly permitted and inspected construction protects the health, safety and welfare of the community;
- l. Written confirmation from DOGM or other responsible State of Utah department, upon permit finalization, regarding compliance and authorization to proceed with the project, and compliance with all Utah DOGM R-469 requirements finding that properly permitted oil and gas projects by DOGM are prerequisite to local Price City permitting;
- m. No site access from the North, all site access from the South along Airport Road and 1900 East finding that commercial and industrial traffic in the residential neighborhoods to the north and east and elementary school zones do not accommodate the industrial and commercial traffic the well site may initiate;
- n. Notification of all property owners within 500’ of the project site of the date, time and place of anticipated final CUP approval and contact information for applicant and Price City finding the properly notified neighboring land owners of commercial and industrial land uses reduces the opportunity for misunderstandings and mitigates confusion regarding land uses and plans;
- o. No conditions at project site or structures that place the site or structure in violation of the

Price City Property Maintenance Code in effect now or in the future finding that properly maintained property and structures protect community property values, promote improved community aesthetics, and is required by the Code;

p. Other conditions:

- i. Comply with all laws of Price City, Carbon County and the State of Utah.
- ii. Store and dispose of garbage in an approved container properly and promptly from site.
- iii. Control dust at all times from site, pre drilling; during drilling; post drilling and production.
- iv. No open fires allowed on the site.
- v. Keep gates closed and prevent unauthorized entry to pump area.
- vi. Control and eliminate any noxious weeds, as identified by Carbon County, at the site.
- vii. Control all surface water used or produced through construction of berms and pits with pit liners and fencing around pits or transferred to a reinjection site. All surface water to be controlled as indicated in the environmental comments and in compliance with recommendations by the Price City Engineer.
- viii. Repair any roads or public infrastructure damaged by the land use as directed by the Price City Public Works Director.
- ix. Mitigate all emission of fumes, smoke, noise, vibration or odor beyond the boundaries of lot #25.

MOTION. Commissioner Clausen moved to table the item for further clarification and place the matter on the 1-23-11 agenda for final approval considered. Motion seconded by Commissioner Beacco and carried.

3. **CONDITIONAL USE PERMIT AMENDMENT**-Consideration and possible approval of a CUP amendment for Intermountain Farmers sales and warehousing at 270 West 100 North within the C-1 zoning district.

Kyle England, Manager at Intermountain Farmers (IFA) submitted a Conditional Use Permit (CUP) amendment application. Nick Tatton provided the Commission with the following information: “The nature of the application is to add the sales and warehousing facility located at 270 West 100 North to the existing CUP that addresses the main location east of that location at 240 West 100 North. The land uses at the additional location are considered a retail activity and based on Section 11.3.4.17 (Farm & Garden Supplies and Equipment) in the Price City Land Use Management and Development Code (Code). General evaluation criteria for the proposed land uses is listed in Section 11.1 of the Code and the specific evaluation criteria/land use checklist is in Section 11.1.m of the Code.”

Mr. England stated that IFA was notified that they were not in compliance with the use of the Marx Body & Paint building and parking lot for equipment, warehouse and storage of vehicles and product and additional parking. Mr. England stated that IFA is also using office space for a warehouse receiving area but there are no sales being done from that property. He stated that the parking lot is being used to store large equipment and also for longer vehicles and trailer parking for customers. He stated that customers can exit behind the location onto 150 North (½ street). Mr. England stated that IFA is asking for a copy change on the existing sign at the lot and would also like to use the parking lot lighting. He stated that the lighting is on a timer but needs to be repaired. Chairman Bruno stated that lighting is necessary for the parking lot and needs to be in working condition as long as it does not disturb the surrounding residential homes. Mr. England stated that there is seed currently being stored inside of the building and lawn/garden type chemicals which are considered to be non-commercial type chemicals such as fertilizers and pesticides. He stated that those items do not fall under hazardous chemicals but some of the items may have a hazmat label and he will provide the City with the IFA contingency plan. He stated that there is not a quantity listed on the MSDS sheets or in their contingency plan as to how much can be stored in one location. He stated that they are not planning to have any more storage than

they have at this time. Nick Tatton asked that Mr. England provide a copy of the contingency plan to the Fire Chief as soon as possible. Mr. England stated that the contingency plan is based on the IFA location only. Nick Tatton stated that he would speak to the Fire Chief on his recommendations.

Mr. England stated that the weeds in the parkway will be maintained and not allowed to overgrow in front of both properties. Chairman Bruno read the following conditions aloud:

- a. Review and inspection of the physical facilities by the Price City Building Inspector and Price City Fire Chief and implementation of recommendations stemming from the inspections finding that properly inspected and improved physical facilities protect the health safety and welfare of the community;
- b. No conditions present at the property or structure that create violations of the Price City Property Maintenance Code in effect now or in the future finding that properly maintained properties and structures protect area property values in improve the aesthetic condition in the community;

ACCEPTANCE: The Commission confirmed that the applicant, applicants agents and representatives, are aware of the conditions of approval, understand the conditions of approval and intend to comply with the conditions of approval.

MOTION. Commissioner Davis moved to recommend final approval to the City Council for the amendment to the Conditional Use Permit for Intermountain Farmers to locate farm and garden supplies and equipment sales land uses at 270 West 100 North consistent with Section 11.3.4.17 of the Price City Land Use Management and Development (Code), the general evaluation criteria listed in Section 11.1 of the Code and the specific land use evaluation criteria listed in Section 11.1.m of the Code. Motion seconded by Commissioner Richens and carried.

4. **CONCEPT APPROVAL**-Consideration and possible concept approval of development of a banking and banking related function land use at approximately 390 East 100 North within the C-1 zoning district. Utah Power Credit Union, Rob Bouwhuis presented a Conditional Use Permit (CUP) application for development of property for banking and banking related function at approximately 390 East 100 North within the Commercial 1 (C-1) zoning district. Nick Tatton provided the following to the Commission: “The land use proposed, Banking and Banking Related Functions is a permitted (P) use within the C-1 as indicated in Section 11.3.5.7 of the Price City Land Use Management and Development Code (Code) zoning district and the property development is a conditional use (C) as indicated in Section 11.3.11.5.1 of the Code. The general evaluation criteria are listed in Section 11.1.1 of the Code and the specific evaluation criteria/land use checklist is in Section 11.1.m of the Code”.

Mr. Bouwhuis stated that the new project will help to beautify the property and fit well in the surrounding area. He stated that the plans are to have adequate drive through lanes, parking and he does not foresee any negative environmental concerns, or traffic issues. He stated that the storm water retention area will be landscaped with grass and the Geo-Technical Study had been completed on the soils and water so grass is thought to be the best idea.

Chairman Bruno read aloud the following conditions that need to be met before preliminary or final approval can be granted:

- a. Completion of a final site plan indicating all required elements including the following finding that detailed final site plans presented and approved mitigate potential misunderstandings regarding development:
 - i. All set-backs indicated.
 - ii. Dimensions on all elements indicated.
 - iii. Indication of parking lot lighting plan.
 - iv. Detail on block wall indicated.

- v. Detail on any necessary easement for electric line on south property boundary.
 - vi. Detail on installation of public infrastructure installations and locations, as needed or required.
 - vii. Utility connections and details.
- b. Completion of the Price River Water Improvement (PRWID) survey finding that properly planned and reviewed waste water conditions protect the long-term needs of area infrastructure;
 - c. Verification of all utility connections and capacity and ability to serve the development finding that properly served development by utility services protect the health, safety and welfare of the community;
 - d. Completion and submission of business signage plan to the Price City Planning Department for review and approval finding that properly reviewed and approved signage plans promote consistency in signage throughout the community and improve the economic capacity in the community;
 - e. Completion of a storm water management plan by a qualified preparer and concurred with by the Price City Engineer and compliance with all recommendations and direction stemming there from finding that properly planned, managed and controlled storm water protects property from flooding and prevents pollution;
 - f. Completion of a geotechnical study and submission to the Price City Engineer and development and construction in compliance with the study and all recommendations and direction provided by the Price City Engineer finding that development and construction in compliance with geotechnical investigation protects the health, safety and welfare of the community;
 - g. Completion of a public infrastructure development agreement with the Price City Public Works Department, if necessary and required, and submission of the required financial surety, if necessary and required, finding that formally agreed to and secured public infrastructure development protect the long-term interest of the community and reduce long-term maintenance costs to the community;
 - h. Submission of building plans to the Price City Building Department for review and procurement of a valid Price City Building Permit prior to construction at the site finding that properly permitted and reviewed building plans protect the health, safety and welfare of the community;
 - i. Scheduling of a pre-final application meeting with Price City to review and evaluate final site plan and development and utility matters finding that understood development matters mitigate misunderstandings;
 - j. Provide notice to all property owners within 300' of the subject property, by registered mail, indicating the type of project under development, the time-frame of the proposed development and contact information finding that notification of neighboring property owner of development mitigates misunderstandings;

Mr. Bouwhuis stated that the signage plan is listed within the plans for final approval. He stated that the goal is to create a type of plaza to beautify the property with signs at each access point. Nick Tatton stated that the bank must notify property owners within 300' of the property project.

ACCEPTANCE: The Commission confirmed that the applicant, applicants agents and representatives, are aware of the conditions of approval, understand the conditions of approval and intend to comply with the conditions of approval.

MOTION. Commissioner Holt moved to approve the project with concept approval only with conditions as stated Motion seconded by Commissioner Clausing and carried.

5. UNFINISHED BUSINESS:

Meeting adjourned at 6:53 p.m. pursuant to a motion by Commissioner Richens.

APPROVED: _____
Chairman, Larry Bruno

ATTEST: _____
City Recorder, Laurie Tryon